

"Approved by the City Council/Redevelopment Agency Board on November 18, 2009"

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA  
October 28, 2009**

The City Council/Agency Board of The City of the Westminster, California convened on October 28, 2009 at 7:10 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

**7:00 P.M.**

**CALL TO ORDER:** 7:10 p.m.

**ROLL CALL:**

**PRESENT:** RICE, TA, FRY, QUACH, DIEP  
**ABSENT:** NONE

**SALUTE TO FLAG:** Council Member Quach

**INVOCATION:** Mayor Pro Tem Ta

**REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

Item No. 3.14 (Second Reading) Ordinance No. 2458 An Ordinance of the Mayor and City Council of the City of Westminster, repealing and replacing Chapter 5.50 and adding Chapter 5.51 to Title 5 of the Westminster Municipal Code, Relating to Alarm Systems (Andy Hall)

**RECOMMENDATION:** Staff recommends that the Mayor and City Council:

- 1) Adopt Ordinance No. 2458 entitled "An Ordinance of the Mayor and City Council of the City of Westminster, repealing and replacing Chapter 5.50 and adding Chapter 5.51 to Title 5 of the Westminster Municipal Code, relating to Alarm Systems and waive further reading; and
- 2) ~~Adopt Resolution No. 4262 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 4012 Establishing an Alarm System Permit Fee;" and~~
- 3) ~~Adopt Resolution No. 4263 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Establishing Alarm System Ordinance Violation Penalty Amounts."~~

- Clarification that Resolutions 4262 and 4263 were adopted by Council at the October 14<sup>th</sup> City Council Meeting and the current recommendation is to adopt Ordinance 2458.
- A letter from Lee Lieberg, 8982 Palos Verdes, received on October 27, 2009 expressing his concerns in regards to the Ordinance and Resolutions relating to Alarm Systems that were recently adopted on October 14, 2009.

## 1. SPECIAL PRESENTATIONS

- A) Swearing in of three Westminster Police Sergeants – Richard Mize, Don Webb, Cynthia Sweasy

Police Chief Hall swore in Sergeant Richard Mize, Don Webb and Cynthia Sweasy.

- B) Presentation by Greg Johnson providing information on Community Services Summer Programs.

Vanessa Johnson, Community Services Supervisor, spoke in regards to various recreation programs including safety day, swim class and online registration. Velma Salmeron, Special Services Clerk, spoke in regards to the Family Resource Center and the services they provide. Claire Hutchinson, Acting Senior Center Supervisor, spoke of Senior Center activities including a trip to Laughlin, the Christmas in July Program and the annual Luau. Lavada Cordasco, WTV3 Supervisor spoke in regards to the events that were videotaped and aired on WTV3.

Greg Johnson, Community Services Director announced the winner of the coloring contest that was recently held and presented a new bike and gifts to Tamvi Pham.

- C) Poseidon Resources – PowerPoint Presentation on California Seawater Desalination.

Scott Maloni, Poseidon Resources gave a PowerPoint presentation on California Seawater Desalination.

## 2. ORAL COMMUNICATIONS

David Davis, Westminster resident, spoke in regards to the recent improvements on Goldenwest Street and concerns of the left turn markings that make it

impossible to turn left onto Humboldt Street. He suggested that a keep clear sign should be placed at that intersection.

Dale Bradberry, Westminster resident, spoke in regards to the Police Department and commended them on their hard work. He also thanked the Mayor and Council for the Founder's Day festivities.

Vivian Kirkpatrick-Pilger, Westminster resident, spoke in regards to an error on her water bill, expressed her feelings on flat rate water fees, and spoke in regards to Goldenwest Street and Homer Street and the need of a keep clear sign. She then spoke on abandoned shopping carts and submitted pictures to the Mayor and City Council.

Judy Ahrens, Westminster resident, read an excerpt from a book called "I know Why the Caged Bird Sings" that is being read in the Westminster schools. She expressed her opposition to this book being in the school libraries.

Shareek Mohammed, Westminster resident, spoke in opposition to Item 9.1, He also submitted and read a letter on behalf of Frank Vu which stated he was in favor of the disabled parking spot to the Mayor and City Council.

Gloria Moreno, Lakewood resident, spoke in opposition to Item 9.1. She submitted documentation from the Doctor that states she lost her balance during a recent visit.

Juliana Lozano, Westminster resident, spoke in opposition to Item 9.1. She submitted a picture of a dumpster that was placed near the handicapped space to explain why Lynette Chaitraum was utilizing her driveway instead of the handicapped space.

Lynette Chaitraum, Westminster resident, spoke in opposition to Item 9.1. She explained how the handicapped space has helped her and she also submitted 15 pictures of the parking situations in the neighborhood for the record.

Richard Gosliga, Westminster resident, spoke in favor of Item 9.1. He expressed his concerns that this is a neighbor dispute on the parking issue. He also expressed that the handicap space is not ADA compliant. He submitted pictures of the parking situations in the neighborhood for the record.

Darrell Nolta, Westminster resident, states that he continues to protest the current agenda format. He also spoke in regards to Item 3.14 (Ordinance 2485 - Relating to Alarm Systems), Item 6.4 (Loan Agreement with Rose Foundation) and Item 6.5 (Third Amendment to Catering and Concession Services Agreement) in which

he is opposed to. Mr. Nolta also spoke in regards to Citryst and Westcoast Seafood and also in regards to Ordinance 2455 and Resolution 4258 in regards to the Over the Top program.

Mayor Pro Tem responded to Mr. Nolta's concerns in regards to the Over the Top program. He requested that Vicki Morgan, Code Enforcement Manager address the issue.

Vicki Morgan, Code Enforcement Manager, gave the history of the Over the Top program which was adopted at the September 9, 2009 meeting. She stated that the City works with Midway City Sanitary District hand in hand and the third party is Rainbow Disposal. The program only applies to Rainbow Disposal accounts which includes Commercial and Multi Family residences. She displayed pictures of examples of violations throughout the City.

Jane Gosliga, Westminster resident, spoke in favor of Item 9.1. She presented a PowerPoint presentation that contained pictures of the parking situations on Van De Velde Way.

### **3. CONSENT CALENDAR**

#### **APPROVAL OF MINUTES**

##### **3.1 (Council/Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency meeting of October 14, 2009.**

ACTION: Approved.

#### **ROUTINE MATTERS**

##### **3.2 Claim against the City (119-02)**

ACTION: The Mayor and City Council denied claim against the City from:

- a. Kurt Wilhite for son/claimant Adam Wilhite in the amount of \$75,000

**3.3 Agreement to the transfer of 2009 Emergency Management Performance Grant Program (EMPG) Funds (502-15)**

ACTION: The Mayor and City Council:

- 1) Approved the agreement with the County of Orange for the 2009 Emergency Management Performance Grant Program; and
- 2) Approved a revenue increase to the Fiscal Year 2009-10 budget for the Office of Emergency Services for the Emergency Management Performance Grant Program for the minimum amount of \$6,594 not to exceed \$9,094; and
- 3) Approved a budget increase to General Police Services - Special Departmental Expenses for a minimum of \$6,594 not to exceed \$9,094 for costs associated with the Emergency Management Performance Grant Program; and
- 4) Authorized the Chief of Police to execute the agreement on behalf of the City.

**3.4 Acceptance of Traffic Safety Mini-Grant from the State of California Office of Traffic Safety, "Next Generation Click It or Ticket" Seatbelt Compliance Campaign (109-06)**

ACTION: The Mayor and City Council:

- 1) Accepted the Office of Traffic Safety (OTS), Next Generation Click It or Ticket Grant; and
- 2) Amended the Fiscal Year 2009-10 adopted budget by designating for anticipated grant revenues in the amount of \$24,498 and increasing budgeted expenditures for the Next Generation Click It or Ticket Grant Program in the amount of \$24,498; and
- 3) Authorized the Chief of Police or his designee to complete the process for receipt of OTS funding.

**3.5 Grant Award Acceptance for the "Sobriety Checkpoint Mini-Grant Program" from the State of California Office of Traffic Safety October 1, 2009 through September 8, 2010 (109-06)**

ACTION: The Mayor and City Council:

- 1) Accepted the Office of Traffic Safety (OTS) Sobriety Checkpoint Mini-Grant; and
- 2) Amended the Fiscal Year 2009-10 adopted budget by designating for anticipated grant revenues in the amount of \$29,858.56 and increasing budgeted expenditures for the Sobriety Checkpoint Program in the amount of \$29,858.56; and
- 3) Authorized the Chief of Police, or his designee, to complete the process for receipt of OTS funding.

**3.6 Award of Maintenance/Service Contract for City-Wide Weed Abatement (502-13)**

ACTION: The Mayor and City Council approved the award of a renewable maintenance/service contract to the lowest responsive bidder in the amount of \$9,754.11 to Midori Gardens for fiscal year 2009/2010, and authorized the City Manager to execute the contract on behalf of the City.

**3.7 Purchase of Ergonomic Computer Monitor Arms, CPU Storage Racks and Keyboard Supports (502-09)**

ACTION: The Mayor and City Council authorized the second amendment to the existing agreement with Interior Office Solutions in an additional amount not to exceed \$63,000 for the purchase of computer desk accessories for the new police facility by accessing government contractual pricing and terms of a competitively bid contract by the County of Orange.

- 3.8 Authorization for a Contract Change Order to All American Asphalt for additional work on Goldenwest Street from Hazard Avenue to Garden Grove Boulevard, and on Bushard Street from Westminster Boulevard to Hazard Avenue. (502-01)**

ACTION: The Mayor and City Council authorized a 5.5% change order increase with All American Asphalt in the amount of \$140,840.

- 3.9 Award of a Professional Services Agreement to Bucknam and Associates to convert and update the City's Pavement Management System. (502-02)**

ACTION: The Mayor and City Council:

- 1) Authorized a budget transfer in the amount of \$50,000 from the Street and Right of Way IRP (Infrastructure Revitalization Plan) Project to a new project titled the Pavement Management System Upgrade 09/10; and
- 2) Approved the award of contract to Bucknam and Associates to provide the above services and that all other proposals be rejected; and authorized the City Manager to execute the contract on behalf of the City.

- 3.10 Revised Memorandum of Understanding with County of Orange-WIC Program to share a space with Westminster Family Resource Center at the Sigler Park Community Building located at 7200 Plaza Street. (502-15)**

ACTION: The Mayor and City Council authorized the City Manager to execute the revised agreement on behalf of the city.

- 3.11 Special Event Permit application from Little Saigon Foundation to hold the 17th Annual Christmas Wish Program on Saturday, December 19, 2009 between the hours of 6:00 a.m. and 1:00 p.m. (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard. Applicant estimates the attendance will be 2,000 people throughout the event. (213-02)(LI)**

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

- 3.12 Special Event Permit application from Hoi Ai Huu Hai Quan Cuu Long to hold a Hoang Sa Memorial on Sunday, January 17, 2010 between the hours of 9:00 a.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 400 people throughout the event. (213-02)(HO)**

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

**3.13 Little Saigon Logo Contest (701-01)**

ACTION: The Mayor and City Council directed the Community Services Director to work with the Little Saigon Logo Committee to conduct the logo contest to help promote tourism and cultural diversity in Little Saigon.

**ORDINANCES (SECOND READING)/RESOLUTIONS**

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 3.14 (Second Reading) Ordinance No. 2458 An Ordinance of the Mayor and City Council of the City of Westminster, repealing and replacing Chapter 5.50 and adding Chapter 5.51 to Title 5 of the Westminster Municipal Code, Relating to Alarm Systems (805-08 & 805-10)**

- 1) Adopt Ordinance No. 2458 entitled "An Ordinance of the Mayor and City Council of the City of Westminster, repealing and replacing Chapter 5.50 and adding Chapter 5.51 to Title 5 of the Westminster Municipal Code, relating to Alarm Systems and waive further reading; and
- 2) Adopt Resolution No. 4262 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 4012 Establishing an Alarm System Permit Fee;" and
- 3) Adopt Resolution No. 4263 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Establishing Alarm System Ordinance Violation Penalty Amounts."

Robin Roberts, City Clerk clarified the recommendation for Item 3.14 that was stated in the Late Communication Memo.



Council Member Fry pulled this item, stating concerns of the permit and fining process. General Council discussion ensued.

Council Member Quach stated the Ordinance was already adopted and that if there were any recommended changes then the motion would have to state that the revised Ordinance would be brought back again for first reading.

Captain Mitch Waller and Lieutenant Al Panella provided details regarding the fining process for malfunctioning alarms.

**Motion was made by Council Member Fry**, and seconded by Council Member Quach to continue the item to a future meeting.

The motion carried by a 5-0 vote.

### **WARRANT REGISTER**

#### **3.15 (Council/Agency) Warrant Register dated October 7, 2009 through October 20, 2009. (105-09)**

ACTION: Approved.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to approve the Consent Calendar with the exception of Item 3.14 which was removed for separate consideration.

The motion carried by a 5-0 vote.

### **END OF CONSENT CALENDAR**

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**4. PUBLIC HEARINGS****4.1 Review of Case No. 2009-18 (GPA): A General Plan Amendment (GPA) to change the General Plan Land Use designation of 6491 Maple Avenue (APN 195-292-10) from Residential Medium Density (8-14 dwelling units per acre) to Industrial (201-00 CN 2009-18 & 204-02 GP)**

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4268 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting a Negative Declaration Pertaining to Case No. 2009-18, and approving a General Plan Amendment to change the Land Use Designation of 6491 Maple Avenue (APN 195-292-10) from Residential Medium Density (8-14 dwelling units per acre) to Industrial."

Council Member Quach recused himself on this item as the applicant has served as his legal counsel within the last year and left the dais.

Doug McIsaac, Community Development Director, gave a brief presentation on the proposed project.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Bart Kasperowicz, applicant, spoke in favor of the proposed project and noted that it will benefit the economy.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolte, Westminster resident, spoke in opposition to the proposed project. He referenced a letter that was submitted on September 28, 2009 from Mr. Eric Johnson, that expressed his opinion on zoning both his property and the proposed property as industrial or keep them both residential.

IN REBUTTAL:

Bart Kasperowicz, applicant, stated that Mr. Johnson attended the Planning Commission meeting when the proposed item was heard and he was informed that if he wanted to zone his property as commercial he was more than welcome to apply and pay the fees that were applicable.

Doug McIsaac, Community Development Director, stated that he spoke to Mr. Johnson and informed him that one option would be to amend the General Plan to designate his property as Industrial, so that would allow him to improve his property for Industrial use.

MAYOR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Ta to adopt Resolution No. 4268 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting a Negative Declaration Pertaining to Case No. 2009-18, and approving a General Plan Amendment to change the Land Use Designation of 6491 Maple Avenue (APN 195-292-10) from Residential Medium Density (8-14 dwelling units per acre) to Industrial."

The motion carried by the following vote:

AYES: RICE, TA, FRY, DIEP  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: QUACH

Council Member Quach returned to the dais.

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Mayor Pro Tem Ta commended City staff on organizing the Founder's Day Festival. He also thanked the residents for supporting the City by attending the event and thanked Leo Lopez for donating the cars that were used in the parade.

Council Member Diep also commended the City staff on a job well done during the Founder's Day Festival.

Council Member Quach commended Greg Johnson, Community Services Director and staff on the Founder's Day Festival.

Council Member Fry spoke in regards to the Orange County Vector Control and explained that some cities would like to withdraw from the Vector Control and implement a new program. He also spoke in regards to the red zone parking in front of the Police Department and asked if there is a way to remove it during the construction so that the Rose Center can utilize the parking space.

Mayor Rice spoke in regards to the Founder's Day Parade and Festival. She expressed her concerns of the parade being too short and would like to be on the parade committee next year.

## **5.2 AB 1234 Reports**

Council Member Fry reported that he visited the Sacramento San Joaquin Delta with the Municipal Water District of Orange County.

## **6. REGULAR BUSINESS**

### **6.1 Holiday Decorating Contest - Judge (701-01)**

RECOMMENDATION: Staff recommends that the Mayor and City Council designate an appointee to serve as judge for the Annual Holiday Decorating Contest scheduled for Tuesday, December 8, 2009 at 5:45pm.

**Motion was made by Council Member Diep**, and seconded by Council Member Quach to appoint Mayor Rice to serve as judge for the Annual Holiday Decorating Contest scheduled for Tuesday, December 8, 2009 at 5:45 p.m.

The motion carried by a 5-0 vote.

### **6.2 Date for Youth in Government Day (701-04)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Wednesday, February 24, 2010 for the Annual Youth in Government Day program or as an alternate date; March 24, 2010.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to approve Wednesday, February 24, 2010 for the Annual Youth in Government Day program.

The motion carried by a 5-0 vote.

**6.3 Acceptance of Federal Grant for Asian Criminal Enterprise Initiative (109-06)**

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Ta to:

- 1) Accept the Federal Grant for the Asian Criminal Enterprise Initiative in the amount of \$312,000 awarded to the Westminster Police Department; and
- 2) Amend the Fiscal Year 2009-10 adopted budget by designating Fund 251 Asian Criminal Enterprise Initiative Grant for anticipated grant revenues in the amount of \$312,000; and
- 3) Amend the Fiscal Year 2009-10 adopted budget to increase budgeted expenditures for the Asian Criminal Enterprise Fund.

The motion carried by a 5-0 vote.

**6.4 Loan Agreement between the City of Westminster and the Rose Foundation. (502-18)**

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Ta to approve the amendment to the loan agreement between the City and the Rose Center Foundation. The motion carried by a 5-0 vote.

**6.5 Third Amendment to the Catering and Concession Services Agreement for the Westminster Rose Center. (502-03)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Third Amendment to the Catering and Concession Services Agreement with Crystal Consulting and Management Inc. DBA Crystal Rose Catering, and authorize the City Manager to execute the amendment on behalf of the City.

Mayor Rice clarified that Peter Galang with Crystal Consulting and Management Inc. is requesting that his rent be decreased to \$5,000/month due to the fact that there is no parking for the Rose Center facility due to construction of the new police facility.

There was general discussion regarding the size of the rented portion of the facility, average rent per square foot in Westminster for this type of facility/business, history of the contract rent structure, previous contract amendments, and notation that 18 months remained for the subject contract.

Assistant City Attorney Christian Bettenhausen clarified that the first amendment did not alter the contract rental rate, that the second amendment was requested to keep the rental rate at the same price, and the proposed third amendment is to reduce current rates because of the current lack of customer parking.

Council Member Diep expressed concerns of reducing rent and the impact of rent reduction on the current budget, discussed the ability for the City to receive proposals from other catering entities that might be willing pay the contracted rental rates.

Peter Galang with Crystal Consulting and Management Inc. discussed the current conditions related to reduced parking due to the construction of the new police facility. He further gave information to the Council regarding building maintenance he continues to provide for the facility in addition to the purchase and installation of a security system.

Council Member Quach noted that there was ample parking at the time when the lease agreement was established and noted his observations of the current lack of parking due to police facility construction. He further noted that the City should accept some responsibility and that rent reduction until such time that parking has been reestablished is agreeable.

Council Member Diep reiterated his concerns of reducing the rental rate of the catering facilities at the Rose Center without first investigating the opportunity to have another catering company offering to pay higher rental rates.

**Motion was made by Council Member Fry**, and seconded by Council Member Quach to approve the Third Amendment to the Catering and Concession Services Agreement with Crystal Consulting and Management Inc. DBA Crystal Rose Catering, and authorize the City Manager to execute the amendment on behalf of the City.

**Motion was made by Council Member Quach**, and seconded by Council Member Fry to approve the Third Amendment to the Catering and Concession Services Agreement with Crystal Consulting and Management Inc. DBA Crystal Rose Catering, and authorize the City Manager to execute the amendment on behalf of the City including the agreed rental amount of \$6,000 per month.

The City Attorney clarified that the amendment to the contract for the Fourth and Fifth Year would be \$6,000 per month or 12.5% gross food and beverage sales.

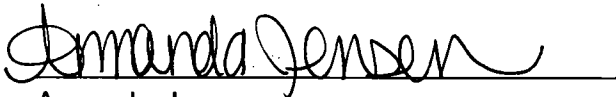
The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH  
NOES: DIEP  
ABSENT: NONE

7. **WRITTEN COMMUNICATIONS (Public) - None.**
8. **LEGISLATIVE ITEMS - None.**
9. **COMMISSION AND COMMITTEE ITEMS**
- 9.1 **Review of On-Street Disabled Parking Restrictions at 16461 Van De Velde Way-T.C. 77-142 (608-02)**

**Motion was made by Mayor Pro Tem Ta**, and seconded by Council Member Fry to approve the recommendation of the Traffic Commission to rescind the installation of on-street disabled parking at 16461 Van De Velde Way. The motion carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:30 p.m., the Mayor/Agency Chair Rice adjourned the meeting.

  
Amanda Jensen  
Assistant City Clerk/Agency Secretary